

Remarks

The Office Action mailed February 7, 2008 has been carefully considered. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

The Examiner's allowance of claims 1-12, 24-39, and 41-42 is noted, with thanks.

Claims 1-42 are currently pending. Claims 13, 21, and 35 have been amended to make minor grammatical and language changes, and to otherwise clarify the claimed subject matter. No claims have been cancelled or added.

In making the within claim amendments, Applicant is clarifying the claimed subject matter and is not acquiescing as to the validity and/or correctness of the Examiner's rejection of claims 13-23 and 40 under 35 USC §101 as being directed to non-statutory subject matter. The within claim amendments are not intended to, and do not result in disclaimer, waiver, and/or estoppel vis-à-vis claim scope and/or equivalents.

As stated above, in the Office Action, the Examiner has rejected claims 13-23 and 40 under 35 USC §101 as being directed to non-statutory subject matter. It is respectfully submitted that the within clarifying claim amendments render moot this

Ser. No.: 10/806,500Atty. Docket No.: P18941 Examiner: Dare, Ryan A.

rejection.<sup>1</sup> Accordingly, Applicant respectfully submits that this rejection of the claims, as amended, should be withdrawn.

In the event that the Examiner believes that a telephone interview would advance the prosecution of this application, the Examiner is invited to call the undersigned attorney to initiate an interview.

In the event that any fees are due or payable in connection with this submission or in this application (including any applicable extension of time for response fees) please charge them to Deposit Account No. 50-4238. Likewise, please credit any overcharges to Deposit Account No. 50-4238.

Respectfully submitted,

**Customer Number: 76973**

Date: March 21, 2008

/Christopher K. Gagne, Reg. No. 36,142/  
Christopher K. Gagne  
Reg. No. 36,142  
Telephone No. (817) 281-7131

---

<sup>1</sup> For example, claim 13, as amended, now recites “circuitry comprising a storage controller.” Although the claims are not bound by or limited to the embodiments described in the Specification, page 2, lines 13-15 of the Specification state that in at least certain embodiments, “the storage controller 8 may be implemented in an integrated circuit embedded on a motherboard or as an expansion card that inserts into an expansion card slot of the host 2.”